

Form PTO-1390

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

09/674526

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/674,526

INTERNATIONAL APPLICATION NO.

PCT/JP99/02681

INTERNATIONAL FILING DATE

21 May 1999

PRIORITY DATE CLAIMED

22 May 1998

TITLE OF INVENTION

DRUG COMPLEX

APPLICANT(S) FOR DO/EO/US

Hiroshi SUSAKI, Kazuhiro INOUE, and Hiroshi KUGA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).  
"Executed"
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (U.S.C. 371(c)(5)).

**Items 11 to 16 below concern other document(s) or information included:**

11. Assignee: DAIICHI PHARMACEUTICAL CO., INC.
12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ A FIRST preliminary amendment.
15. ☒ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ Other items or information:
  - Cover Letter.
  - Response to Paper Dated June 20, 2002 and Statement that the Content of the Paper and Computer Readable are the Same.
  - Diskette containing Sequence Listing.
  - Paper copies of Sequence Listing (1 page).
  - Copy of form PCT/DO/EO/916 (Notification of Defective Response).

U.S. APPLICATION NO. (If known, see 37 CFR 1.53)  
09/674,526

INTERNATIONAL APPLICATION NO.  
PCT/JP99/02681

ATTORNEY'S DOCKET NUMBER  
120257

18.      The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search report has been prepared by the EPO or JPO. . . . . \$ 860.00

International preliminary examination fee paid to USPTO (37 CFR 1.482). . . . . \$ 690.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482) but  
international search fee paid to USPTO(37 CFR 1.445(a)(2)). . . . . \$ 710.00

Neither international preliminary examination fee (37 CFR 1.482) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO. . . . . \$1,000.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all  
claims satisfied provisions of PCT Article 33(2)-(4). . . . . \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS

PTO USE ONLY

\$ 0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than   20   X 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 0.00

Claims	Number Filed	Number Extra	RATE
Total Claims	22 - 22 =	0	X \$18.00
Independent Claims	4 - 4 =	0	X \$80.00
Multiple dependent claim(s) (if applicable)			+ \$270.00

\$ 0.00

\$ 0.00

\$ 0.00

TOTAL OF ABOVE CALCULATIONS =

\$ 0.00

     Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced  
by 1/2.

\$ 0.00

SUBTOTAL =

\$ 0.00

Processing fee of \$130.00 for furnishing the English translation later than   20      30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$ 0.00

Extension of Time fee in the amount of \$110.00

\$ 0.00

TOTAL NATIONAL FEE =

\$ 0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$ 0.00

TOTAL FEES ENCLOSED =

\$ 0.00

Amount to be  
refunded

\$

Charged

\$

a. N/A A check in the amount of \$     to cover the above fees is enclosed.

b.      Please charge my Deposit Account No.      in the amount of \$     to cover the above fees.

c. X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to  
Deposit Account No. 19-0089.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and  
granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO **CUSTOMER NO. 7055**  
AT THE PRESENT ADDRESS OF:

Bruce H. Bernstein  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

SIGNATURE

Bruce H. Bernstein  
NAME

29.027

REGISTRATION NUMBER

P21257.P15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi SUSAKI et al.

Serial No : 09/674,526  
(National Stage of PCT/JP99/02681)

I.A. Filed : May 21, 1999

For : DRUG COMPLEX

**COVER LETTER**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In order to comply with the Notification of Defective Response (copy enclosed) for the submission of paper and computer readable forms of amino acid sequence listing of the International Application set forth in the Notification mailed June 20, 2002 which sets a one month period of response until July 22, 2002 (being that July 20, 2002 falls on a Saturday), Applicants hereby submit:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- a Response to Paper Dated June 20, 2002 and Statement that the Content of the Paper and Computer Readable are the Same;

- a diskette containing Sequence Listing, with paper copy of the same (1 page).

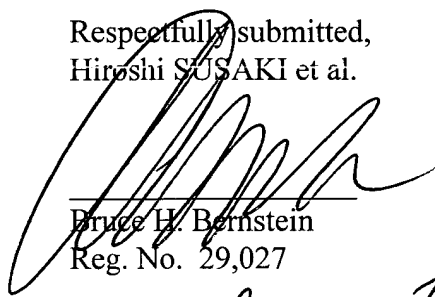
And also enclosed is:

- a Supplemental Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below listed number.

Respectfully submitted,  
Hiroshi SUSAKI et al.



Bruce H. Bernstein  
Reg. No. 29,027

Ref. 33,094

July 5, 2002  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke  
Reston, VA 20191  
(703) 716-1191



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674,526	Hiroshi Susaki	P20257

7055  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 ROLAND CLARKE PLACE  
RESTON, VA 20191

INTERNATIONAL APPLICATION NO.	
PCT/JP99/02681	
I.A. FILING DATE	PRIORITY DATE
05/21/1999	05/22/1998

CONFIRMATION NO. 3623

371 FORMALITIES LETTER



\*OC000000008317581\*

Date Mailed: 06/20/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Drawings
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED

JUN 25 2002

GREENBLUM &amp; BERNSTEIN P.L.C.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

• The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- APPLICANT MUST PROVIDE:
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

• For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/674,526	PCT/JP99/02681	P20257